

CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT)
Budget & Finance Committee Meeting
Tuesday, September 14, 2004

Summary of Minutes

Members Present:

Theodore Wilde, Chairman
Hon. Luis Morse, Vice-Chair, CITT
Miles Moss

Marc Buoniconti
Franklin Kelly

County Attorney:

Bruce Libhaber

Others Present:

Nan A. Markowitz, Executive Director, Office of the CITT
Mayra Bustamante, Miami Dade Transit (MDT)
Maria Arista-Wolsky, County Attorney's Office (CAO)
Oscar Camejo, Metropolitan Planning Organization (MPO)
Heather Fraser, Department of Business Development (DBD)
Henry F. Sori, Public Works Dept. (PWD)

Oscar Braynon II, Citizen
Marlene Amaro, OCITT
Adolfo Fernandez, PWD
David Tinder, PWD
Regla Lee, MDT
Lourdes Gomez, MDT
Pepe Valdes, OCITT

Jack Furney, OCITT
Carmen Villaverde, OCITT
Patty David, OCITT
Sandra Melean, PWD
Joanna Santiago, OCITT
George Navarrete, MDT
Virginia Diaz, OCITT

Mr. Theodore Wilde called the meeting to order at 10:10 am. Mr. Wilde welcomed Ms. Nan A. Markowitz, OCITT Executive Director, and Ms. Lourdes Gomez, who will be Miami-Dade Transit liaison with CITT. He also commended Miami-Dade Transit for their work during the hurricanes.

Approval of Agenda - Mr. Miles Moss moved the approval of the agenda. The motion was seconded by Mr. Franklin Kelly and carried without dissent.

Approval of Minutes - July 13, 2004 - Mr. Moss moved the approval of the Revised Minutes. The motion was seconded by Mr. Kelly and carried without dissent.

Citizens' Comments - None

Reports/Old Business

Agenda Item 5-A -- RFP 427a Financial Advisor Update – Mr. Bruce Libhaber, Assistant County Attorney, explained in detail legal opinion regarding Race, Ethnic and Gender Conscious Measures and the impact on the RFP 427a for Financial Consulting Services for the CITT process. As long as the scope of services remains the same, the RFP can be

re-advertised, excluding the Black Business Enterprise (BBE), Hispanic Business Enterprise (HBE), and Women Business Enterprise (WBE) measures. An updated timeline will be prepared to be discussed at the CITT Executive Planning Committee Meeting to be held September 22, 2004.

Agenda Item 5-B -- CITT Monthly Report – Ms. Marlene Amaro discussed highlights of the reports and responded to questions.

Agenda Item 5-C -- OCITT Budget – Copies of the Miami Dade County's Budget books were offered to the Budget and Finance Committee members.

The agenda was taken out of order to minimize utilization of staff during meetings. Agenda Item 6-C was presented by Mr. George Navarrete, MDT.

Action Items:

6-C. RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST APPROVING THE BOARD OF COUNTY COMMISSIONERS' ACTION AUTHORIZING APPROVAL OF WORK ORDER NO. ONE (1) FOR THE METRORAIL DADELAND NORTH STATION ELEVATOR IMPROVEMENTS - CONTRACT NO. EDP-MT-TR06-MF17, BETWEEN MIAMI-DADE COUNTY AND LIVS ASSOCIATES IN THE AMOUNT OF \$33,500

Mr. Jack Furney drew attention to the CITT Fiscal Impact financial information that will be included in the Manager's memos on all contracts and work orders utilizing surtax funds.

Mr. Moss moved the item and Mr. Kelly seconded it and it was carried without dissent.

After this item, the agenda was taken out of order again to discuss the Public Works Department's action items. Action Item 6A and 6-D were presented first, and then 6-B, 6-E, 6-F, 6-G, 6-H, and 6-I were presented all together.

6-A. RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST APPROVING THE BOARD OF COUNTY COMMISSIONERS' ACTION APPROVING REQUEST FOR WAIVER OF COMPETITIVE BIDS AND APPROVAL OF CHANGE ORDER NO. ONE (1) TO THE CONTRACT WITH HORSEPOWER ELECTRIC, INC., FOR ANNUAL TRAFFIC SIGNAL SAFETY IMPROVEMENTS CONTRACT NO. 17 (MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT PROJECT NO. 671810) FOR THE PEOPLE'S TRANSPORTATION PLAN.

Mr. Marc Buoniconti moved the item and Mr. Miles Moss seconded it and it was carried without dissent.

6-D. RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST APPROVING THE PUBLIC WORKS DEPARTMENT'S ADJUSTMENT TO THE PEOPLE'S TRANSPORTATION PLAN (PTP) 2-YEAR PLAN REMOVING SCHOOL FLASHING SIGNALS FROM THE DISTRICT COMMISSION'S YEARLY ALLOCATION AND REASSIGNING IT WITHIN THE COUNTYWIDE NEIGHBORHOOD IMPROVEMENTS SECTION

Mr. Moss moved the item and Mr. Kelly seconded it and it was carried without dissent.

Mr. Moss asked Mr. Henry Sori and Mr. David Tinder, PWD, if maintenance cost associated with school flashing signals was included in the \$167 million for Neighborhood Improvements. Mr. Tinder replied that the maintenance cost was not included in the ordinance. CITT member requested that PWD develop a plan outlining the maintenance replacement schedule costs. PWD is to provide a plan for necessary maintenance and /or replacement for presentation to the CITT.

A request was made by the CITT to the Metropolitan Planning Organization (MPO) for a study on the benefits of the school flashing signals. Mr. Camejo of MPO informed the B&F Committee that the school flasher study is on the Agenda as an action item for the next Transportation Planning Council (TPC) meeting, which will be held next Monday, September 20, 2004. He will report back on the action taken and if it will be funding for this study will be budgeted in FY 04-05.

6-B. RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST APPROVING THE BOARD OF COUNTY COMMISSIONERS' ACTION APPROVING THE RECOMMENDATION TO ISSUE A WORK ORDER FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT BETWEEN A&P CONSULTING TRANSPORTATION ENGINEERS AND PUBLIC WORKS DEPARTMENT FOR THE PROJECT ENTITLED, NEW ACCESS TO COUNTRY WALK – SW 143 TERRACE FROM SW 145 PLACE TO SW 144 AVENUE (PROJECT #20040353)

Mr. Moss moved the item and Mr. Buoniconti seconded it and it was carried without dissent.

6-E. RESOLUTION BY THE CITIZEN'S INDEPENDENT TRANSPORTATION TRUST APPROVING THE BOARD OF COUNTY COMMISSIONER'S ACTION APPROVING THE PUBLIC WORKS DEPARTMENT'S NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT (PSA) FOR NE 2 AVENUE, FROM WEST LITTLE RIVER CANAL TO NE 91 STREET – PWD PROJECT NO. 20030187.

Mr. Moss moved the item and Mr. Buoniconti seconded it and it was carried without dissent.

6-F. RESOLUTION BY THE CITIZEN'S INDEPENDENT TRANSPORTATION TRUST APPROVING THE BOARD OF COUNTY COMMISSIONER'S ACTION APPROVING THE PUBLIC WORKS DEPARTMENT'S NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT (PSA) FOR SW 62 AVENUE, FROM SW 24 STREET TO NW 7 STREET – PWD PROJECT NO. 20030188

Mr. Moss moved the item and Mr. Buoniconti seconded it and it was carried without dissent.

6-G. RESOLUTION BY THE CITIZEN'S INDEPENDENT TRANSPORTATION TRUST APPROVING THE BOARD OF COUNTY COMMISSIONER'S ACTION APPROVING THE PUBLIC WORKS DEPARTMENT'S NON-EXCLUSIVE PROFESSIONAL

SERVICES AGREEMENT (PSA) FOR SW 62 AVENUE FROM SW 70 STREET TO SW 64 STREET – PWD PROJECT NO. 20030189

Mr. Moss moved the item and Mr. Buoniconti seconded it and it was carried without dissent.

6-H. RESOLUTION BY THE CITIZEN'S INDEPENDENT TRANSPORTATION TRUST APPROVING THE BOARD OF COUNTY COMMISSIONER'S ACTION APPROVING THE PUBLIC WORKS DEPARTMENT'S NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT (PSA) FOR SW 160 STREET FROM SW 147 AVENUE TO SW 137 AVENUE – PWD PROJECT NO. 20030190

Mr. Moss moved the item and Mr. Buoniconti seconded it and it was carried without dissent.

6-I. RESOLUTION BY THE CITIZEN'S INDEPENDENT TRANSPORTATION TRUST APPROVING THE BOARD OF COUNTY COMMISSIONER'S ACTION APPROVING THE PUBLIC WORKS DEPARTMENT'S NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT (PSA) FOR 138 STREET BRIDGE AT MIAMI RIVER CANAL – PWD PROJECT NO. 20030191

Mr. Moss moved the item and Mr. Buoniconti seconded it and it was carried without dissent.

The meeting continued with Agenda Item 5 - Reports and Old Business, and the following reports:

- 5-D Population Adjustment for Surtax Distributions – No further action is necessary.**
- 5-E Report on CUTR Work Orders – Brief discussion**
- 5-F Report on Capital Projects to be changed for MM 8.6 million increase**
- 5-G Report on Capital Projects Time Schedule for the 22 projects estimated at \$40 Million**

Agenda Items 5F and 5G above will be addressed as part of the annual pro forma update.

The consultant's study of allocations and allocation formulas has been delayed by the Court ruling on minority preferences. It was agreed to have a cost allocation workshop among the CITT Members and Miami-Dade Transit. Ms. Mayra Bustamante, MDT, will make a presentation and be available to explain the formulas that MDT has been using for their allocations. The calendar will be checked for availability of the CITT Members and MDT personnel to be scheduled for the day of the October Budget and Finance Committee meeting (October 13).

5-H Miami Dade Transit – Departmental Quarterly Performance Report

Ms. Bustamante noted that the MDT total budget amount per Ordinance was \$315.762 million, but has now been adjusted to \$305.270 million. Further that the surtax would be limited to the \$63.164 million, as in the Pro Forma. The revised budget includes utilization of federal funds eligible to be used for operations. She also mentioned that the surtax share of the Wackenhut Contract is expected to be 15 to 18 percent.

5-I Assistant County Manager's (Surface Transportation Manager) Memorandum on the Contract Caps for Surtax Funds

Various suggestions were made to facilitate the distribution of contracts instead of receiving copies of PTP contracts, work orders, etc. Staff will look into provide direct computer links to the contracts for their review.

Contracts, work orders, etc., will be listed as part of the Budget and Finance Committee Agenda. OCITT staff will indicate if the item is included in the PTP or not. If not in the PTP, item will be for action. If item is in the PTP, it will be acted on at the Project Review Committee.

5-J Miami-Dade Transit Revised Annual Surtax Work Plan For FY 02-03 and FY 03-04.

Mr. Libhaber explained the wording in the resolution that was approved by the CITT in March 31, 2004, that says "accepts" the work plan, meaning accepting it, not approving. Previously, every item was acted on as a resolution, which probably should not have been done.

Mr. Libhaber mentioned as an example "Bus Acquisition" (\$12.773 million). That item was brought to the CITT in the form of a contract, which the BCC and CITT would have to approve or disapprove. A second example "Expanded Metrorail Services", that is either covered by contract, which then the BCC and CITT will approve, or it is labor, employment or personnel costs, which are not presented to the CITT nor the BCC for approval. It is brought to the CITT because of our audit, investigation and general oversight capacity, to be informed of net gains and losses of the expenditures surtax.

Mr. Wilde asked if MDT could self define how much MDT is going to spend and charge to the surtax funds. Mr. Libhaber responded that MDT can only spend according to the ordinance on the items related to Exhibit 1 of the PTP.

MDT determines the cost of an item, they submit the invoices to the OCITT and they will determine if the charges are related or unrelated, or if more support documentation is required. In the meantime that money is not being released until both sides come to an understanding as to whether the item is related to the PTP or not.

Ms. Bustamante explained the MDT Budget is \$340 M. During the year "X" amount of miles will be implemented and every mile will cost "X" amount of dollars. At the beginning of the year MDT will submit an invoice to CITT for the amount of miles budgeted for the year. At year-end, MDT will balance the invoice to actual, depending if more or less miles were implemented and will submit a corrected invoice. At that time OCITT will adjust the next invoice submitted by MDT.

Mr. Buoniconti commented the importance of having the financial advisor to look at the numbers, especially if there is a disagreement for example in the price of each mile to be implemented and the price charged to CITT. Mr. Bustamante replied that the most important thing is to understand the formula and how MDT reached the numbers.

Mr. Wilde expressed what his understanding was that CITT was to approve a work plan, which included a Budget, then disbursements will be presented in terms of invoice, that the OCITT will review them, check if they were properly backed up, valid in the method of calculations, and adequately documented.

Ms. Markowitz commented that the CITT will review and comment the work plan, but does not have the authority to approve or not approve it; not even the BCC has to approve it.

Mr. Libhaber stated that the resolution where the CITT accepted the MDT work plan did not go to the BCC for approval. Also, the BCC could look at the CITT in terms of what they approve or accept, when the BCC does not approve the same items. There is reluctance in terms of the CITT having more decision authority than the BCC. Mr. Buoniconti expressed concern regarding this discussion. Ms. Bustamante mentioned the Dr. Bonzon's commitment is to have the financial advisor or the OCITT staff, look at the numbers and make adjustments, since none of the numbers have been audited or reviewed. Mr. Buoniconti asked if the work plan was being presented as an information item. Mr. Moss commented that what the CITT was doing was approving a report, but wanted to know what happens if the CITT was not in agreement. He raised the question that if MDT is charging \$6 per mile and CITT will agreed in a \$5 / per miles, and no agreement is reached, what price will prevail. Mr. Libhaber replied that he does not have an answer to that question.

Mr. Furney explained that FY 03-04, none of the cost of support of existing services is being paid. What is being paid is cost per mile for service scheduled for implementation.

Mr. Libhaber explained how the 2-Year Plan that PWD was issued and established, was to clarify a general category and how it was going to be implemented. That was the reason it went for approval to the BCC. MDT's case is different as they are still implementing the same improvements. If for example, on the line items salaries change, it will not come to the CITT for approval again. Only when changes clearly stated on the ordinance are proposed, then it will come back to the CITT for approval.

Mr. Buoniconti mentioned that there is a difference between "authorizing" a work plan and "allocating" the work plan. He is concerned that the CITT will not have a say and requested a proposed Budget from MDT as well as from PWD, and have all the numbers together to be able to make adjustments during the year as the budget evolves. Mr. Libhaber commented that the perfect example is the Pro Forma that was never approved by the CITT.

Ms. Bustamante asked Mr. Buoniconti that if he envisioned the work plan to be approved what else the CITT will need. Mr. Buoniconti replied yes and that he expects to plug everything together in one document: the MDT budget, the surtax, etc. At that time, Ms. Bustamante suggested taking the pro forma and addressing only the first 5 years. Mr. Buoniconti requested why not the first year or the first three years. Ms. Bustamante will work on such request.

Mr. Buoniconti asked about the MDT work plan document that was dated March and then amended in May. Ms. Bustamante mentioned that the amendment to the work plan does

not include the bus acquisition. Ms. Bustamante also mentioned that the Golden Passport actual numbers could change. Mr. Morse asked what they were doing to get the numbers for the Golden Passport. She explained that they are counting them with MDT employees physically at the gates and that can not be done with the reader because the system is too old.

Mr. Furney also mentioned that the purpose of having all the information on one page per the schedule was to have a summary and full disclosure of the numbers, and to reflect the intent of the OCITT to pay gross amount, as per the County's decision. The only question will be timing. OCITT will be required to transfer to MDT the surtax money without any further CITT approval. Ms. Bustamante commented Dr. Bonzon's clarification on this is that if surtax monies are due back to the PTP, CITT can withhold from future MDT invoices. Also, they are committed to transferring the gross numbers by year-end for financial reporting purposes. Mr. Wilde mentioned that the numbers will be based on fully allocated costs.

After some discussion, Ms. Bustamante commented that some steps should be taken and that the first one is to update the pro forma; then hopefully by December, a better understanding of the allocation formula. Mr. Moss asked who will approve the pro forma, to which Mr. Wilde replied no one.

MDT's \$70,980 Budget will have one number to tie it to the pro forma. If a proposed mid year budget is \$5M higher, an adjustment to the budget should be made as part of the supplemental budget and is approved by the BCC. BCC approves the proposed budget, and Mr. Libhaber mentioned BCC will not be approving that 5M but not from where the money is coming and if it will come from surtax monies. Mr. Wilde asked who will approve that and Mr. Libhaber clarified stating that depending if it is PTP related or not. If PTP related, it will be handled administratively; if not PTP related, MDT could make a request to CITT staff to check if this is PTP related or not, to decide if surtax money can be used or not, check with him in conjunction with Dr. Bonzon, and the determination will be made. Ms. Gomez informed that the commission auditor has been hired as the Commission has same concerns as the CITT.

Mr. Furney clarified that payments to MDT will be done. After OCITT pays, they will review the invoice and documentation, if necessary, information will be requested, but specifically after payment is already made.

Mr. Furney mentioned again the change in processing transfers from now on and Mr. Wilde's concern in terms of the CITT is that CITT will not withhold any money in the work plan; OCITT will look at the items after they are paid. Mr. Libhaber mentioned that the County Manager's office and Dr. Bonzon has made it very clear that any change related to payments, under or overpayments of any invoice will be corrected and adjusted in the next invoice submitted by MDT to the CITT.

Mr. Furney stated that the reason that this was brought back to the Budget and Finance Committee was because in March something was done, perhaps unnecessarily in accordance with the ordinance, and now is being processed differently; as a report CITT wants to have full disclosure and full presentation to understand the process.

Mr. Buoniconti commented regarding the need to take this a step further to the next meeting with the BCC and the Chairwoman Barbara Carey-Schuler and Comm. Moss and tell them we are not happy and that we feel that we are losing power and if needed have another ordinance change. He understands that it will not be very well received. Ms. Markowitz responded that it will be his call to bring it up or not.

Mr. Wilde mentioned that the response of the committee to the report should be a moment of silence.

Citizens' Comments - None

New Business - Local not for profit entities (Colleges and Universities) will be invited to make presentations to the Executive Planning Committee or the Project Review

Committee regarding transportation-oriented resources. Expectation is that valuable work could be performed using the local resources at a minimal cost for studies, reviews, etc. Ms. Virginia Diaz, External Affairs, will follow up on this matter.

Mr. Wilde adjourned the meeting at 12:55 pm.